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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,377	01/12/2001	Robert E. Dvorak	BLFR 1003-1	1255

22470 7590 02/08/2007
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EXAMINER

VAN DOREN, BETH

ART UNIT	PAPER NUMBER
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3623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/760,377

Applicant(s)

DVORAK ET AL.

Examiner

Beth Van Doren

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-15, 20-34, 39-53, 58-72 and 96-99 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-15, 20-34, 39-53, 58-72 and 96-99 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/05/06 has been entered.
2. The following is a non-final office action in response to communications filed 12/05/06. Claims 96-99 have been added. Claims 1, 16-19, 35-38, 54-57, and 73-76 have been canceled. Claims 2-15, 20-37, 39-53, 58-72, and 96-99 are now pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 2-15, 20-34, 39-53, 58-72, and 96-99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al. (U.S. 6,151,582) in view of Landvater (U.S. 6,609,101).

Art Unit: 3623

As per claim 96, Huang et al. teaches a computer-implemented method of generating reports from simulated unit inventory and unit sales on a bottom-up per location basis for a multitude of items at a plurality of locations, including:

Modeling with a causal event calendar, which is a data structure stored in computer readable memory, a plurality of retail event types that have different impacts on demand, wherein an event data tuple for an event in the causal event calendar includes at least a good identifier, a start date, a stop date and an event type identifier (See column 13, lines 27-35, column 18, line 45-column 19, line 10, column 22, lines 6-38 (specifically 6-15, 20-22, and 34-35), column 33, lines 65-67, column 34, lines 15-20, column 37, lines 39-46, which discloses event calendars with types of events that include good identifiers, dates, and event type data. See also column 42, lines 20-35, column 53, lines 49-58, and column 54, lines 40-67, column 109, lines 30-52);

Forecasting unit inventory and unit sales at a per-item, per-location level using the event type identifier to identify one of more likely demand impacts and, in combination with other data in the event data tuple, to modify demand projections during the event (See column 13, lines 1-10 and 27-35, column 18, line 45-column 19, line 10 and lines 48-58, column 55, column 57, lines 13-35, and column 109, lines 20-30 and 46-61, which discloses making inventory determinations using the data stored and expected demand impacts);

Generating, from results of the forecasting using the causal event calendar consistently across analytical tool, analytical reports that support retailing activities (See column 11, lines 5-16, column 106, lines 60-67, column 107, lines 37-55, column 108, lines 15-25 and 33-45, column 109, lines 45-60, which discloses generating reports).

Art Unit: 3623

However, Huang et al. does not expressly disclose that a selling location identifier is stored in association with a retail event type.

Landvater discloses storing selling location identifiers associated with products with promotions (See column 5, lines 1-5, column 8, lines 5-25, column 11, lines 20-32, column 17, lines 35-57, column 19, lines 5-17, which discloses selling locations associated with product and promotions).

Both Huang et al and Landvater disclose determining product and inventory needs for periods of promotions. Huang et al. specifically discloses retail outlets and using a promotional calendar that considers type of promotion, promotion dates, impact of promotion, etc. Landvater specifically discloses multiple retail stores in the supply chain, and using product/location data. It would have been obvious to one of ordinary skill in the art at the time of the invention to include selling location identifiers associated with the promotional events of Huang et al. in order to more efficiently keep track of the unique and specific needs of specific locations. See column 17, lines 35-57, column 19, lines 5-17, of Landvater.

As per claim 97, Huang et al. teaches event types with corresponding event type identifiers, events involving decisions by a retailer and exogenous factors, wherein the decisions by the retailer include price promotions, advertising promotions, promotions of substitute or complementary products, removal of substitute or complementary products from a selling assortment, and new product introduction (See column 13, lines 25-35 and 50-55, column 22, lines 15-30, column 34, lines 60-67, column 36, lines 50-65, column 39, lines 60-65, column 54, lines 60-67, column 55, lines 20-33, which discloses price reductions, ads, people buying substitute products, and new products being introduced);

Art Unit: 3623

The exogenous factors include seasonal events and special events in a city that increase customer traffic (See column 19, lines 30-40, column 21, 15-25, column 33, lines 65-67, column 36, lines 60-65, column 54, line 60-column 55, line 20, which discloses seasonal events and special events (like military shows) that increase usage and demand for an item).

However, Huang et al. does not expressly disclose that the promotional and seasonal events include holiday events.

Landvater discloses holiday events (See figures 10-11, column 11, lines 59-67, column 12, lines 57-67, which discloses holidays).

Both Huang et al and Landvater disclose determining product and inventory needs for periods of promotions. Huang et al. specifically discloses a promotional calendar that considers price promotions, advertising promotions, promotions of substitute or complementary products, and new product introduction. Landvater specifically discloses holiday events and accounting for these events in the inventory planning. It would have been obvious to one of ordinary skill in the art at the time of the invention to include holidays in the seasonal events of Huang et al. in order to more accurately account for types of activities that would cause fluctuations in demand patterns, thus allowing the user to better plan for demand.

As per claim 98, Huang et al. teaches wherein generating analytical reports consistently using the causal calendar data structure further includes reports to support:

Ordering items from suppliers (See column 7, lines 15-21, column 13, lines 44-55, column 31, lines 19-21, column 33, lines 30-45 and line 60-column 34, line 18, column 36, lines 40-67);

Art Unit: 3623

Allocating item inventory for seasonal or fashion items received from suppliers among selling locations (See column 13, lines 44-55, column 31, lines 19-21, column 33, lines 30-45 and line 60-column 34, line 18, column 36, lines 40-67, column 42, lines 20-35, wherein the seasonal items are allocated among outlets of the supply chain. See figure 4);

Distributing items from a distribution center to selling locations (See figure 4, column 6, lines 45-67, column 33, lines 30-45 and line 60-column 34, line 18, column 36, lines 40-67, column 42, lines 20-35, wherein items are distributed from DCs (distribution centers)),

Bottom-up planning of sales, on-hand inventory, and receipt of items into inventory (See column 11, lines 5-16, column 12, lines 50-65, column 20, line 55-column 21, line 30, column 108, lines 15-25, which discloses bottom up planning. See column 34, lines 1-20, column 35, lines 48-60, and column 42, lines 29-55, which discloses on-hand inventory and inventory scheduling and replenishment);

Top down planning that aggregates items at levels higher than individual items (See column 11, lines 5-16, column 13, lines 10-25, column 21, lines 33-67, column 108, lines 45-51, which discloses top down planning);

Open to buy management reports that compare future inventory levels aggregated to a department level or higher with budgeted levels of inventory investment (See column 10, lines 45-50, column 21, lines 20-30, column 107, lines 45-55, column 108, lines 25-42, which discloses budget concerns);

markdown management that manages timing and level of markdown of seasonal items in order to sell out available inventory by a predetermined out date (See column 22, lines 5-35, column 33, lines 65-67, column 36, lines 50-65, column 109, lines 30-60, which discloses a

Art Unit: 3623

promotional calendar with scheduled dates and sell out by dates that are managed. See column 54, lines 49-67, which discloses outputting analysis of promotional effects, which includes reducing a price by a given percentage).

However, while Huang et al. discloses markdown management that manages timing and level of markdown, Huang et al. does not expressly disclose that the markdown management recommends timing and level of markdowns. Landvater does not expressly disclose recommending timing and level of markdowns.

Huang et al. discloses a system that manages a promotional calendar, the promotional calendar including price reductions (markdowns). The system helps the user consider past sales to determine future demand and make inventory decisions. Examiner takes official notice that it is old and well-known to allow a system to recommend an inventory setting, such as pricing, instead of requiring the user to set such a value in order to optimize the profit gained by selling the inventory. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include making recommendations in the markdown management of Huang et al. in order to efficiently and accurately determine the inventory levels needed to meet the demand during the promotion by fully considering the impact of such a promotion.

Claim 99 recites substantially similar limitations to claim 98 and is therefore rejected using the same art and rationale set forth above.

As per claims 2-5, Huang et al. discloses a plurality of retail event types that have different impacts on demand, wherein an event data tuple for an event in the causal event calendar includes at least a good identifier, a start date, a stop date and an event type identifier (See column 13, lines 27-35, column 18, line 45-column 19, line 10, column 22, lines 6-38

Art Unit: 3623

(specifically 6-15, 20-22, and 34-35), column 33, lines 65-67, column 34, lines 15-20, column 37, lines 39-46, which discloses event calendars with types of events that include good identifiers, dates, and event type data. See also column 53, lines 49-58, and column 54, lines 40-67, column 109, lines 30-52). Huang et al. further discloses retail outlets (See column 42, lines 20-35). Huang et al. further discloses product groups and product families (See column 8, lines 1-5 and 30-35, column 10, lines 55-65, column 19, lines 30-55, column 20, lines 33-35, column 40, lines 45-50).

However, Huang et al. does not disclose the specific details of the association between a product or products and a location or locations, as per claims 2-5.

As per claim 2, Landvater teaches wherein a pair of the good identifier and event identifier attributes associate a single good at a single selling location with one of the plurality of events (See figures 10, 16-17, and 19-21, column 11, line 53-column 12, line 40, and column 17, lines 5-55, which discusses a good and an event, such as promotions, holidays, displays, etc.).

As per claim 3, Landvater wherein a pair of the good identifier and event identifier attributes associate a single good at a group of selling locations with one of the plurality of events (See column 8, lines 5-25, column 11, lines 20-32, column 17, lines 35-57, column 19, lines 5-17, which discuss individual goods at multiple selling locations, and overriding occurs. Specifically, when an event works better at one location than another, inventory is balanced).

As per claim 4, Landvater teaches wherein a pair of the good identifier and event identifier attributes associate a group of goods at a single selling location with one of the plurality of events (See column 5, lines 1-5, column 8, lines 5-25, column 11, lines 20-32, column 15, lines 25-45 and 55-65, column 17, lines 35-57, column 19, lines 5-17, wherein goods

Art Unit: 3623

are grouped and projected across the retailers while also considering events, such as promotions, displays, etc.).

As per claim 5, Landvater discloses wherein a pair of the good identifier and event identifier attributes associate a group of goods at a group of selling locations with one of the plurality of events (See column 5, lines 1-5, column 8, lines 5-25, column 11, lines 20-32, column 15, lines 25-45 and 55-65, column 23, lines 45-65, which discusses group products and events such as displays).

Both Huang et al and Landvater disclose determining product and inventory needs for periods of promotions. Huang et al. specifically discloses retail outlets and using a promotional calendar that considers type of promotion, promotion dates, impact of promotion, etc. Landvater specifically discloses multiple retail stores in the supply chain, and using product/location data. It would have been obvious to one of ordinary skill in the art at the time of the invention to include specifics of product/location identifiers (i.e. single product-single location, single product-multiple location, multiple product-single location, and multiple product-multiple location) associated with the promotional events of Huang et al. in order to more efficiently keep track of the unique and specific needs of specific locations. See column 17, lines 35-57, column 19, lines 5-17, of Landvater.

As per claim 6, Huang et al. teaches wherein the attributes of the causal calendar further includes an impact estimate quantity corresponding to the impact of the event on sales (See column 22, lines 5-38, and column 109, lines 35-60, which discloses impact factors).

As per claims 7-8, Huang et al. teaches wherein the set of analysis programs is adapted to basic retail goods and to seasonal retail goods (See column 6, lines 1-20 and 55-65, column 7,

Art Unit: 3623

lines 5-22, column 12, lines 25-50, column 36, lines 60-65, which discloses goods of retailers and goods that are associated with seasons. See also claim 97 above, which addresses seasons and seasonal items).

As per claim 9, Huang et al. teaches wherein the set of analysis programs is adapted to basic retail goods and to seasonal retail goods (See column 6, lines 1-20 and 55-65, column 7, lines 5-22, column 12, lines 25-50, column 36, lines 60-65, which discloses goods of retailers and goods that are associated with seasons. See also claim 97 above, which addresses seasons and seasonal items). However, Huang et al. does not expressly disclose fashion retail goods.

Landvater teaches wherein the set of analysis programs is adapted to fashion retail goods (See column 10, lines 30-45, column 12, lines 9-40, column 15, lines 25-50, and column 19, lines 5-20, wherein the program considers basic goods, retail goods, and seasonal goods of retailers).

Art Unit: 3623

Both Huang et al and Landvater disclose determining product and inventory needs for periods of promotions. Huang et al. specifically discloses a promotional calendar that considers price promotions, advertising promotions, promotions of substitute or complementary products, and new product introduction, where the products are basic sales goods, some with seasonal effects. Landvater specifically discloses fashion retail items. It is old and well known in retail that fashion items are items that are affected by the change in season. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include fashion items in the items of Huang et al. affected by seasonal factors in order to more accurately account for all factors that would cause fluctuations in demand patterns, thus allowing the user to better plan for demand.

As per claim 10, Huang et al. teaches wherein the set of analysis programs operate on daily or more frequent period forecasts (See at least column 8, lines 1-25, which discloses daily).

As per claim 11, Huang et al. teaches wherein the set of analysis programs operate on weekly forecasts (See at least column 7, lines 50-52, and column 8, lines 1-25, which discloses weekly).

Claims 12-15 recite equivalent limitations to claims 2-5, respectively, and are therefore rejected using the same art and rationale set forth above.

As per claim 20, Huang et al. teaches wherein the analytical reports include open to buy reports (See column 10, lines 45-50, column 21, lines 20-30, column 107, lines 45-55, column 108, lines 25-42, which discloses budget concerns).

Claims 21-34 recite equivalent limitations to claims 2-15, respectively, and are therefore rejected using the same art and rationale set forth above.

Art Unit: 3623

As per claim 39, Huang et al. teaches wherein the analytical reports include a promotions management report (See column 11, lines 5-16 and column 54, lines 49-67, which discloses outputting analysis and reports of promotional effects, which includes reducing a price by a given percentage).

Claims 40-53 recite equivalent limitations to claims 2-15, respectively, and are therefore rejected using the same art and rationale set forth above.

As per claim 58, Huang et al. teaches wherein the analytical reports include bottom-up planning reports (See column 11, lines 5-16, column 12, lines 50-65, column 20, line 55-column 21, line 30, column 108, lines 15-25, which discloses bottom up planning).

Claims 59-72 recite equivalent limitations to claims 2-15, respectively, and are therefore rejected using the same art and rationale set forth above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Waller et al. (U.S. 2003/0195791) discloses determining product demand based on a per item demand data history per location or per multiple locations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (571) 272-6737.

The examiner can normally be reached on M-F, 8:30-5:00.

Art Unit: 3623

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

lwd

bvd

February 5, 2007

Beth Van Doren
AU 3623
Patent Examiner